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HOUSE BILL 124

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Peter Wirth

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO THE PUBLIC DEFENDER; PROVIDING COMPENSATION RATES
FOR CONTRACT ATTORNEY REPRESENTATION IN NON-DEATH PENALTY
CASES; INCREASING PUBLIC DEFENDER STAFF STATEWIDE; MAKING
APPROPRIATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 31-15-1 NMSA 1978 (being Laws 1973,
Chapter 156, Section 1) is amended to read:

"31-15-1. SHORT TITLE.--~~[This act]~~ Chapter 31, Article 15
NMSA 1978 may be cited as the "Public Defender Act"."

Section 2. A new section of the Public Defender Act is
enacted to read:

"[NEW MATERIAL] CONTRACT ATTORNEY COMPENSATION.--A
contract negotiated by the department with an attorney for
representation of a defendant in a non-death penalty case shall

underscored material = new
[bracketed material] = delete

underscoring material = new
[bracketed material] = delete

1 provide for a minimum hourly rate of seventy-five dollars
2 (\$75.00)."

3 Section 3. APPROPRIATIONS.--

4 A. Eleven million five hundred thousand dollars
5 (\$11,500,000) is appropriated from the general fund to the
6 public defender department for expenditure in fiscal year 2007
7 to contract with attorneys for the representation of defendants
8 in non-death penalty cases. Any unexpended or unencumbered
9 balance remaining at the end of fiscal year 2007 shall revert
10 to the general fund.

11 B. Three million seven hundred thousand dollars
12 (\$3,700,000) is appropriated from the general fund to the
13 public defender department for expenditure in fiscal year 2007
14 for additional attorneys and support staff statewide. Any
15 unexpended or unencumbered balance remaining at the end of
16 fiscal year 2007 shall revert to the general fund.

17 Section 4. EFFECTIVE DATE.--The effective date of the
18 provisions of this act is July 1, 2006.